

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: May 21, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of April 22, 2013

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The following actions were taken by the Planning Commission on April 22, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier and Wielinski – 7

Not present: Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**7. Zoning Code Text Amendment (Ward: All), ([Aly Pennucci](#)).**

**A. Text Amendment:** Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 520 related to Zoning Code: Introductory Provisions

Amending Chapter 525 related to Zoning Code: Administration and Enforcement

Amending Chapter 535 related to Zoning Code: Regulations of General Applicability

Amending Chapter 536 related to Zoning Code: Specific Development Standards

Amending Chapter 543 related to Zoning Code: On-Premise signs

The purpose of the amendment is to define exhibition or temporary markets (e.g. flea markets) and allow this use as a temporary use with specific development standards.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapters 530, 525, 535, 536 and 543. The City Planning Commission further recommended that Chapters 537, 541, 546, 547, 548, 549, 550 and 551 be **returned** to the author.

**Aye:** Cohen, Gagnon, Huynh, Kronzer and Luepke-Pier

**Nay:** Wielinski

**Absent:** Schiff

Staff Wittenberg presented the staff report.

**Commissioner Wielinski:** Have either the Licensing Division or Police Department weighed in on this?

**Staff Wittenberg:** The Licensing staff is very familiar with the rules. In fact, their regulations around these are much more extensive than what's in front of you for a zoning code text amendment. It's worth noting that our Licensing staff works very closely with the Police Department on the issuance of licenses. While I don't know if Ms. Pennucci spoke directly with the Police Department, I'm quite confident that our Licensing staff has worked with the Police Department in their more extensive regulations around flea markets.

**Staff Wielinski:** For the part in the exceptions, no temporary use permits shall be required if the temporary use is required to obtain a business license issued by the City of Minneapolis; can you give me a couple of examples of what that would be that might think they could do temporary but really can't?

**Staff Wittenberg:** Probably the kinds of neighborhood festivals that would take place in the parking lot of a grocery store might be an example of where the zoning staff would issue a temporary use permit but what we're saying is that since the zoning staff reviews those licenses that we're proposing that we not also issue a temporary use permit in addition to having reviewed the license already.

**Commissioner Wielinski:** In order to have a flea market you're going to have a license?

**Staff Wittenberg:** They will have to have a business license; that's correct.

**Commissioner Wielinski:** Why was 180 days chosen rather than 75 plus maybe 10 or 14 for the holiday season?

**Staff Wittenberg:** That's an excellent question. It would seem that some area between 75-180 days would be sufficient. I think there's a desire to allow enough flexibility for these types of uses that we're not back in front of this body in a year requesting more time because we found that the operators feel as though the restrictions are too tight, but we're open to the Planning Commission recommending some other amount of days that this temporary use would be allowed.

**Commissioner Wielinski:** Is there going to be some specific requirements of these temporary structures so that if they're popping up in my church parking lot across the street for six months out of the year that they're not awful for me to be looking at for six months of the year?

**Staff Wittenberg:** In the specific development standards in Chapter 536, there is a standard that says canopies shall be securely fastened so they stay in place during inclement weather and that they have to be removed during the days the market is not open to the public.

**Commissioner Wielinski:** So the canopy can be some little attached thing they put out, but what if the structure itself is really some cheap aluminum trailer?

**Staff Wittenberg:** We have some rules regarding parking of commercial vehicles that might apply in those instances, but there may be cases where that kind of situation would just remain in existence.

**Commissioner Wielinski:** So the neighbors would have to basically come down and complain enough to City Hall to have something like that taken care of?

**Staff Wittenberg:** Those kinds of things would likely be handled on a complaint basis, yes.

**Commissioner Kronzer:** In Chapter 536 there is a note about idling vehicles not being allowed during open times of the market, does that also mean throughout the nighttime as well if there's like a van with refrigeration?

**Staff Wittenberg:** Within the last year or two, the City did adopt some anti-idling rules that if they're not captured specifically by this they'd be subject to the broader anti-idling rules of the city. Enforcement of that, as you might imagine, is difficult and would probably happen on a complaint type basis.

**Commissioner Kronzer:** My other question is about the signage section. I have to say the signage section is confusing about what's actually allowed. It says there is allowed one freestanding sign and then the next sentence says "one freestanding sign exceeding eight square feet, six feet in height may be allowed". So is that two freestanding signs that are allowed or is it one freestanding sign if they choose to do a smaller permit freestanding sign they can do that?

**Staff Wittenberg:** I know this is fairly closely aligned with our farmer's market sign regulations. I think in addition to a permanently installed sign, it does allow some additional temporary signage it appears.

**Commissioner Kronzer:** If this site were adjacent to a structure that could house a projecting sign, would that then be allowed? Maybe some clarity if someone finds a way to install a sign that's not just a freestanding sign to see how that would be captured.

**Commissioner Huynh:** I will move staff recommendation to approve the zoning code text amendment to amend Chapters 520, 525, 535, 536 and 543 and recommend that 537, 541, 546, 547, 548, 549, 550 and 551 be returned to the author (Gagnon seconded).

**President Tucker:** I might suggest as this goes forward to Z&P that we might re-examine that language so that others don't get confused.

**Staff Wittenberg:** The sign language?

**President Tucker:** Yes.

**Aye:** Cohen, Gagnon, Huynh, Kronzer and Luepke-Pier

**Nay:** Wielinski

**Absent:** Schiff